

### Planning Staff Report to Board of Zoning Appeals January 7, 2021

for the January 13, 2021 Public Hearing

Docket Number: S 21-962

**Applicant:** Upstate Montessori Academy (Jennifer Kelly)

Property Owner: Kellwood Holdings LLC

**Property Location:** 109 N. Leach St

**Tax Map Number:** 007800-07-01400

Acreage: 0.52 acres

**Zoning:** RDV, Redevelopment District

Proposal: Special Exception Permit to establish and expand a 'School, private'

use

Staff Recommendation: Approve with conditions

### **Applicable Sections of the City of Greenville Code of Ordinances:**

Sec. 19-2.1.3 (A) (1). Board of Zoning Appeals/Powers and Duties/Special Exceptions

Sec.19-2.3.5, Special Exception Permit

Sec.19-4.1, Table of Uses

Sec. 19-4.3.2(C), Use-specific standards for Educational Facilities

**Staff Recommendation:** Staff concludes that the application complies with the standards for granting a Special Exception Permit to establish and expand a **'School, private'** use in an RDV, Redevelopment district. If the Board decides to grant the Permit, Staff recommends the following conditions:

- 1. The Special Exception Permit is limited to the Applicant and is not transferrable.
- 2. The Applicant shall provide an appropriate parking plan and any applicable parking agreements to staff prior to issuance of building permits to satisfy parking requirements.
- 3. The prior establishment and expansion of this private school use shall substantially conform to the testimony of the Applicant and the content of the application.

### **Staff Analysis:**

Upstate Montessori Academy, located on the southwest corner of the intersection between N. Leach St and S. Academy St, requests a special exception for a private school use in the RDV, Redevelopment district. The use was approved as a daycare use under the subject property's original zoning of C-2, Local commercial district, and subsequently was rezoned to RDV, redevelopment district via case Z-20-2018 in 2018. Pre-application discussions with the applicant indicated that classes extend through second grade and is found to be consistent with the definition for "School, public or private", as defined in the Land Management Ordinance Section 19-1.11. An approval of this special exception request will

formally establish the school use as it is already operating plus allow the area of expansion indicated in the application plans.

The Applicant proposes to expand the existing school use, primarily within the current footprint of the structure. The second story, proposed for two additional classrooms and associated facilities in this application, was originally built as unfinished space in anticipation of future expansion. Stairways outside of the building to access the second floor are included as part of this application.

The Applicant held a developer-led neighborhood meeting as part of the West End Neighborhood Association virtual meeting on December 7, 2021, as required by subsection 19-2.2.4 of the Land Management Ordinance. A list of attendees and meeting summary is included in the meeting packet.

A Special Exception Permit shall be approved only upon finding that the applicant demonstrates **all** of the following are met:

### 1. The Use is consistent with the Comprehensive Plan

The Future Land Use Map of the City's GVL2040 Comprehensive Plan designates this property as "Urban Residential", which is a mixture of low-density and medium-density housing types and classified to allow for compact development within Greenville's historic and traditional neighborhoods. Complementary uses customarily found in residential districts, such as schools, may be allowed.

Staff finds that the expansion of a school is a use type that is consistent with the GVL2040 Comprehensive Plan.

### 2. The Use Will Comply with the Use Specific Standards:

Section 19-4.3.2, Use Specific Standards for Public and Institutional Uses, states the following:

- (C) Educational facilities.
  - (2) School, public or private. In the residential districts, schools may be approved as a special exception. Any redevelopment or addition to a school or its accessory facilities, or modification of parking or vehicular circulation patterns, shall also be reviewed as a special exception.

Staff finds that the use will comply with the limited specific use standards outlined in the Land Management Ordinance (LMO).

### 3. The Use Is Compatible with the Character of Surrounding Lands:

Adjacent property is zoned and used as follows:

East: RDV, redevelopment district / Multi-family dwelling use

North: C-2, local commercial district / Greenville Fire Department Station

West: RDV, redevelopment district, RM-1, multifamily residential / Single-family detached use

South: RM-2, multifamily residential / Single-family detached use

The use as currently composed is found to be compatible with the character surrounding lands. Request for expansion of this use includes minimal footprint expansion and no change in hours of operation.

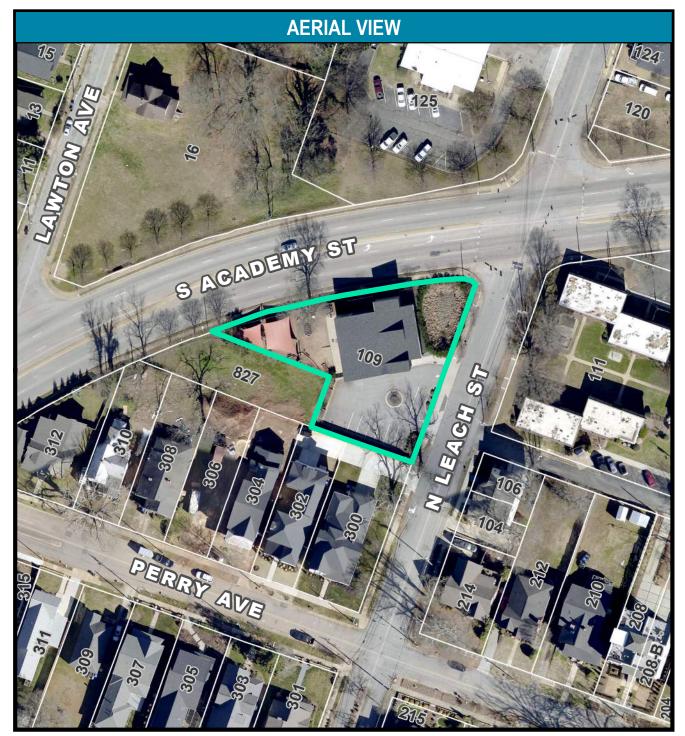
Staff finds that the use will be compatible with surrounding lands.

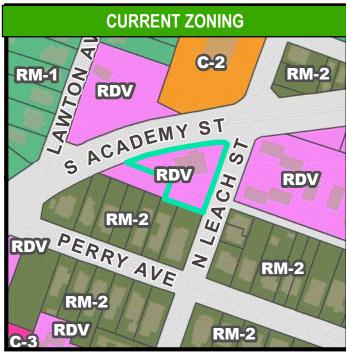
### 4. The Design Does Not Have Substantial Adverse Impact:

The Applicant is minimizing building expansion within this request through the utilization of previously constructed shell space located on the second floor of the building to expand the existing use. The applicant expressed the intent to obtain parking agreements for any additional parking spaces needed as a result of this application, in an effort to minimize new exterior construction and reduce impact to adjoining properties. The original architecture of the building was considerate of the adjacent residential uses, and exterior stairways are similarly designed. Expansion of the use will not impose any substantial impact on surrounding lands and anticipated to not create a nuisance considering the nature of business for the tenant.

Staff finds that the design will have minimal adverse impacts on surrounding lands.

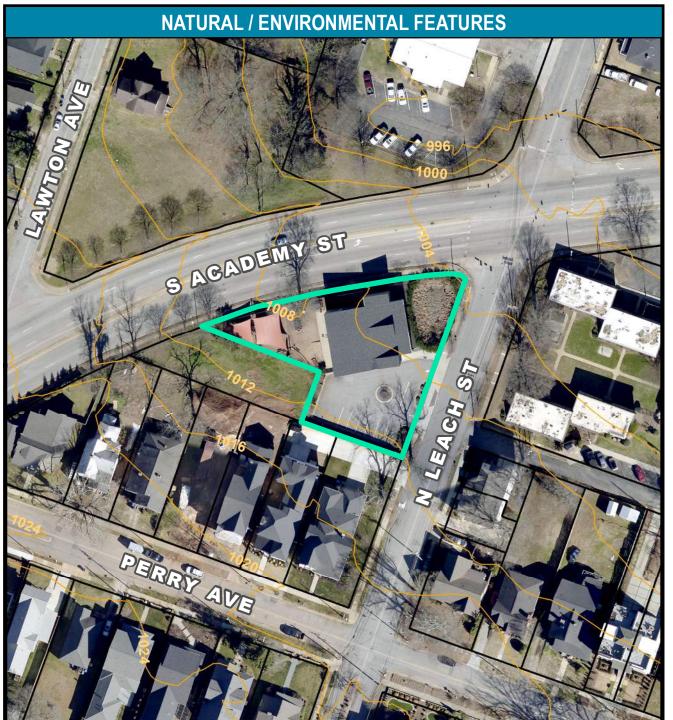
### **S 21-962 • 109 NORTH LEACH STREET**

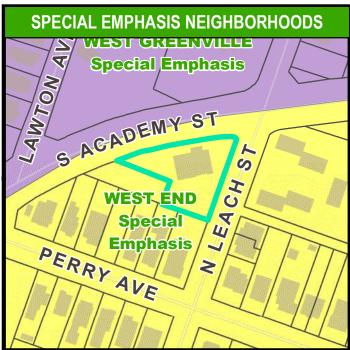






### **S 21-962 • 109 NORTH LEACH STREET**









Office Use Only:		
Application#	Fees Paid	
Date Received	Accepted By	

# APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Jennifer Kelly Owner / Wostale Montesson  Name  Name
permit may be limited to this entity.  Name  Name  Non-essori  Academy  Academy  Academy
APPLICANT'S REPRESENTATIVE:
MAILING ADDRESS: 109 North Leach St. Greenville SC 29601
PHONE: 8642308568 EMAIL: jkelly@umagreenville.com
PROPERTY OWNER: Kellwood Holdings LLC
MAILING ADDRESS: 21 Paddington Avenue Greenville SC 29609
PHONE: 8644209899 EMAIL: jkelly@umagreenville.com
STREET ADDRESS: 109 North Leach Street Greenville SC 2910)
11.00 St. 2 160
TAX PARCEL #: 0078000701400 ACREAGE: 52 ZONING DESIGNATION: RDV
REQUEST  Refer to Article 19-4, Use Regulations, of the Land Management Ordinance (www.municode.com/library/)
DESCRIPTION OF PROPOSED LAND USE: SCHOOL (Private)
19-4.2.3 (c) - educational facility
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### **INSTRUCTIONS**

<sup>1.</sup> The application and fee, **made payable to the City of Greenville**, must be received by the planning and development office no later than 5:00 pm of the date reflected on the attached schedule.

- 2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a special exception). See also Section 19-2.3.5, Special Exception Permit, for additional information. You may attach a separate sheet addressing these questions.
- 3. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception.
- 4. You must attach the required application fee: \$250.00
- 5. The administrator will review the application

Sufficiency, prior to placing the application on the BZA agenda "insufficient", the administrator will contact the applicant to require You are encouraged to schedule an application conference application for "sufficiency" at the time it is submitted. Car	a. If the application is determined to be lest that the applicant resolve the deficiencies.
6. You must post the subject property at least 15 days (but not more to	han 18 days) prior to the scheduled hearing date.
'Public Hearing' signs are acknowledged as received by the	
Applic	ant Signature L Kelly
<ol> <li>Please read carefully: The applicant and property owner af application; including any/all supplemental information is true ar have provided full disclosure of the relevant facts.</li> </ol>	firm that all information submitted with this nd correct to the best of their knowledge and they
In addition the applicant affirms that the applicant or someone a reasonable effort to determine whether a deed or other document that preclude or impede the intended use and has found no reco	
If the planning office by separate inquiry determines that such a the applicant does not withdraw or modify the application in a tim terminated or waived, then the planning office will indicate in its granting the requested change would not likely result in the bene	nely manner, or act to have the restriction
To that end, the applicant hereby affirms that the tract or parcel or is not restricted by any recorded covenant that is contrary activity.	of land subject of the attached application is to, conflicts with, or prohibits the requested
Jerrigh X Kelly	APPLICANT / REPRESENTATIVE SIGNATURE DATE
Jenner Z Kelly	PROPERTY OWNER SIGNATURE
Chrolet Kelly	DATE
11/8/21	

### APPLICANT RESPONSE TO SECTION 19-2.3.5(D)(1), STANDARDS - SPECIAL EXCEPTION

1. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN SECTION 19-4.3, USE SPECIFIC STANDARDS.

2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN SECTION 19-4.3, USE SPECIFIC STANDARDS.

3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; NUISANCE.

# Applicant Response from Upstate Montessori Academy at 109 North Leach Street Greenville, SC 29601

- 1. We are requesting a special exemption for our private school that is located in downtown Greenville. It has come to our attention that when applying to the city with the request for finishing the upstairs in the fall of 2021 that our building was improperly recorded with the city as a daycare. The original builder Cely Construction listed our facility as a daycare on our original building permit number 15-1203. Section 19-4.2.3 B (1) allows for a daycare to be constructed and operated on our property. However, we are a private school and have always functioned as a private school.
- 2. When we built our facility in October 2015 June 2016 our property was zoned C2. The current zoning is now RDV. Under article 19-4.2.3 (C) with the City of Greenville Educational facilities public or private can be operated at our current property address. We are not adding onto the footprint of our current facility with phase two. Our request will allow us to finish out the second story of our building which has always been there.
- 3. We are currently full with enrollment of children 2K 3rd grade. Our additional classrooms that will be added upstairs will allow for us to continue to serve our community by adding additional students to our program. Since we have always functioned as a private school we would not be diminishing the property value of ours or other surrounding properties in the West End.
- 4. We are not adding on to our building with an additional foot print. We are just opening up the upstairs and completing it to be used for additional classrooms. Our original permit number from 2015 showed the future classrooms that would be finished out when Upstate Montessori Academy needed the room to grow and add more classrooms. This would not be creating a nuisance to surrounding properties.

## Current GIS of Upstate Montessori Academy at 109 North Leach Street

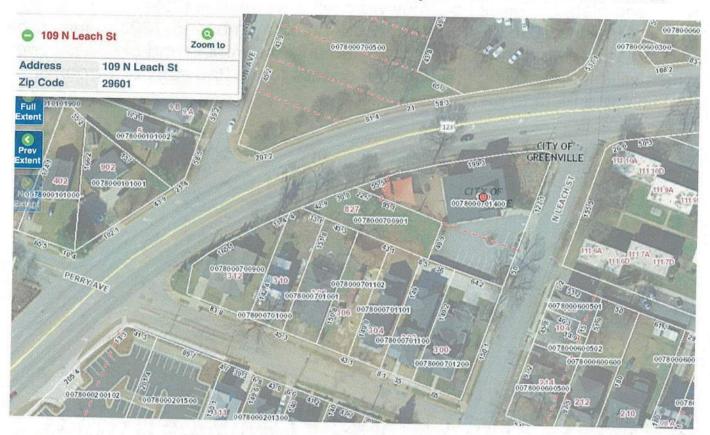
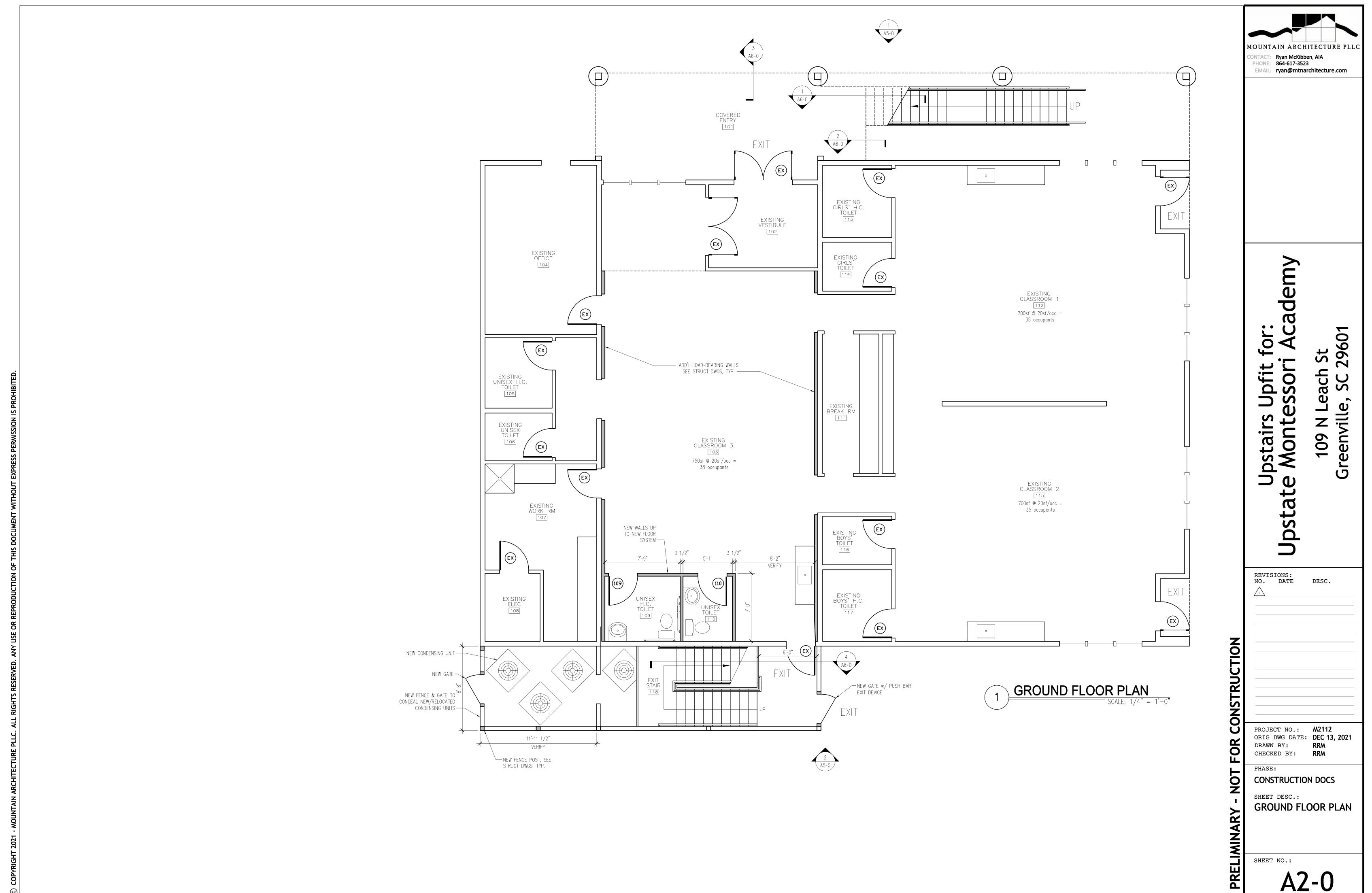


Photo of Upstate Montessori Academy right before completion in May 2016. Additional space for classrooms is already there. Please see read box for space to add 2nd story classrooms.



Interior photo of upstairs classrooms (from red box in above photo) that need to be completed. This is how they were left after we completed the building phase 1 in June 2016. This was how our permit number 15-1203 required the 2nd story of the building to be completed until we went in and did phase two which will require adding stairwells for access to the 2nd story classrooms and finishing them to be operable.



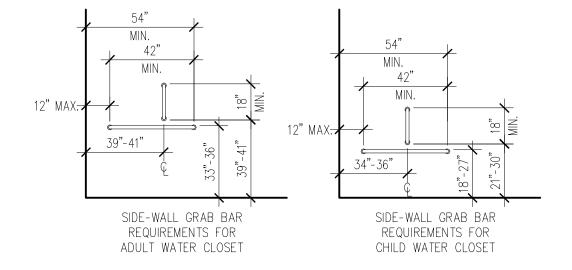


### RESTROOM FIXTURE SCHEDULE

O -FIXTURE TAG

	- TINTONE TAG
LTR	DESCRIPTION
$\otimes$	WATER CLOSET, SEE NOTES BELOW.
₿	PORCELAIN WALL-MTD ADA COMPLIANT VANITY, TOP AT 30" AFF MAX (CHILDREN) OR 34" AFF MAX (ADULT) w/ ADA COMPL PADDLE FAUCET HANDLES
©	AMERICAN SPECIALTIES CONCEALED MOUNTING 3200 SERIES SIDE WALL 42"L S.S. GRAB BAR PER DIAGRAMS BELOW & BACK WALL 36"L S.S. GRAB BAR AT SAME HT, 12" MAX. FROM CORNER
0	BOBRICK B-686 TOILET TISSUE DISPENSER (SEE NOTE 3)
(Ē)	AMERICAN SPECIALTIES CONCEALED MOUNTING 3200 SERIES 18"L S.S. VERT GRAB BAR (SEE DIAGRAMS BELOW)
(F) (G)	BOBRICK B-270 S.S. FEM. NAPKIN DISPOSAL UNIT (SEE NOTE 3)
©	BOBRICK B-290 1836 WELDED S.S. FRAME MIRROR
$\oplus$	BOBRICK B-72974 AUTO SURFACE-MTD ROLL TOWEL DISPENSER (MOUNT SENSOR @ 46" AFF), 6-VOLT DC POWER SUPPLY PREFERRED.
0	H.C. RESTROOM SIGN w/ BRAILLE LETTERING @ 48" AFF
⊗	GOJO LTX-12 TOUCH-FREE AUTO SURFACE-MTD SOAP DISPENSER (MOUNT SENSOR @ 46" AFF).
$\mathbb{O}$	WATER HEATER, SEE PLUMBING DWGS
I	

- 1. SUFFICIENT BLOCKING SHALL BE INSTALLED IN WALLS AS NECESSARY
- FOR MOUNTING GRAB BARS & OTHER BATHROOM FIXTURES.
  2. INCLUDE HEAVY DUTY OPEN-FRONT TOILET SEAT. MTG HEIGHT SHALL PUT TOP OF TOILET SEAT BETWEEN 17-19" AFF FOR ADULT TOILET,
- AND TOP OF TOILET SEAT BETWEEN 11-17" AFF FOR CHILD TOILET. 3. PROVIDE MINIMUM 1-1/2" CLEARANCE BETWEEN BOTTOM OF GRAB BAR & TOP OF PROTRUDING DISPENSER.



### GENERAL NOTES:

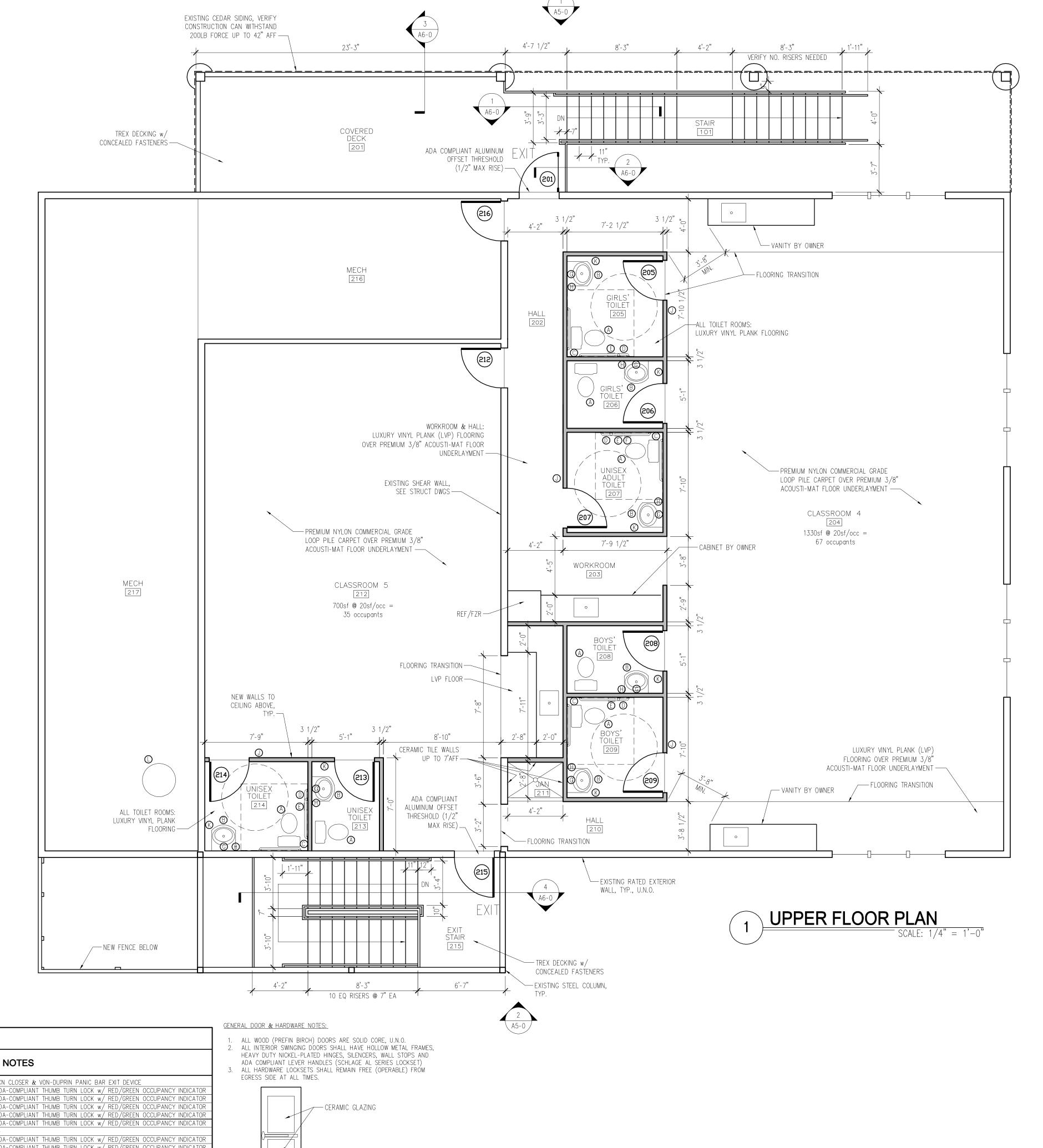
1. THESE DRAWINGS PROVIDE MINIMUM INFORMATION AND RELY ON INDUSTRY STANDARD PRACTICES TO GOVERN CONSTRUCTION ACTIVITIES. CONTRACTOR IS RESPONSIBLE TO SUPERVISE CONSTRUCTION ACTIVITIES TO GUARANTEE BEST PRACTICES ARE EMPLOYED.

2. CONTRACTOR SHALL BECOME FAMILIAR WITH EXISTING SITE CONDITIONS AND SHALL COORDINATE ALL WORK

- REPRESENTED BY THE DRAWINGS. 3. CONTRACTOR SHALL TAKE NECESSARY MEASURES TO COORDINATE NEW WORK WITH EXISTING UNDERGROUND AND/OR EMBEDDED MATERIALS, AND OTHER SYSTEMS AND MATERIALS NOT SHOWN IN THESE DRAWINGS. 4. IN ORDER TO PRESERVE INTEGRITY OF EXISTING 2 HR EXTERIOR WALLS, ALL BUILDING MATERIALS AT EXTERIOR WALLS SHALL BE NON-COMBUSTIBLE, AND WOOD FRAMING/BLOCKING SHALL BE FIRE-RETARDANT
- TREATED WOOD, TESTED & LABELED IN ACCORDANCE WITH ASTM E84 OR UL 723 WITH A LISTED FLAME SPREAD INDEX OF 25 OR LESS. SEE IBC SECTION 2303.2 FOR ADD'L REQUIREMENTS. 5. ALL MATERIALS, WORKMANSHIP, AND DESIGN SHALL CONFORM TO THE 2018 INTERNATIONAL BUILDING CODE, 2018 INTERNATIONAL MECHANICAL CODE, 2018 INTERNATIONAL PLUMBING CODE, AND LATEST EDITION OF THE NATIONAL ELECTRICAL CODE. AT ARCHITECT'S DISCRETION, WORK NOT CONFORMING TO THE IBC MAY . CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.

THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE MEANS, METHODS TECHNIQUES, SEQUENCES OR

- PROCEDURES OF CONSTRUCTION SELECTED BY THE CONTRACTOR OR THE SAFETY PRECAUTIONS AND PROGRAMS INCIDENTAL TO THE WORK OF THE CONTRACTOR. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE FAILURE OF THE CONTRACTOR TO PERFORM THE CONSTRUCTION WORK IN ACCORDANCE WITH THE DRAWINGS. THE COSTS OF ANY TESTS OR WORK REQUIRED BECAUSE OF THE CONTRACTOR'S FAILURE TO PERFORM IN ACCORDANCE WITH THE DRAWINGS SHALL BE BORNE BY THE CONTRACTOR.
- 8. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE ALL DIMENSIONS WITH EACH FABRICATOR AND TO NOTIFY THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION/FABRICATION. 9. CONTRACTOR SHALL COORDINATE ALL ROOF, SLAB AND WALL OPENINGS AND ROUGH-INS.
- 10. DO NOT SCALE DRAWINGS.
- 11. DIMENSIONS ARE SHOWN FROM FACE OF FRAMING, U.N.O. 12. INSTALL 5/8" MOISTURE RESISTANT GYPSUM BOARD IN WET LOCATIONS. INSTALL 5/8" TYPE "X"
- 13. WALLS BORDERING CONFERENCE ROOMS, RESTROOMS, AND OFFICES SHALL HAVE CAVITIES FILLED WITH MINERAL WOOL SOUND BATT INSULATION.



ELEV "A"

DOOR SCHEDULE ### -DOOR TAG DOOR DOOR ROOM NAME HARDWARE **FRAME NOTES** SET TYPE NO. & NO. |ELEV.| MAT'L | FINISH SIZE UL GLAZ IISEX ADULT TOILET 3'-0" x 6'-8" x 1 3/4" THK DA-COMPLIANT THUMB TURN LOCK W/ RED/GREEN OCCUPANCY INDICATOR H.M. PRIVACY '-0" x 6'-8" x 1 3/4" THK YS TOILET RM 208 STAIN PRIVACY TOILET RM 209 PRIVACY 7'-0" x 6'-8" x 1 3/4" THK 3'-0" x 6'-8" x 1 3/4" THK 5'-0" x 6'-8" x 1 3/4" THK ASSROOM 21 CLASSROOM H.M. DA-COMPLIANT THUMB TURN LOCK w/ RED/GREEN OCCUPANCY INDICATOR
DA-COMPLIANT THUMB TURN LOCK w/ RED/GREEN OCCUPANCY INDICATOR
CN CLOSER & VON-DUPRIN PANIC BAR EXIT DEVICE PRIVACY PREFIN H.M. NTRY/PANIC E STOREROOM PRIVACY DA-COMPLIANT THUMB TURN LOCK w/ RED/GREEN OCCUPANCY INDICATOR -COMPLIANT THUMB TURN LOCK W/ RED/GREEN OCCUPANCY INDICATOR

PHASE:

**PRELIMIN** 

**ONSTRUCTION** 

PROJECT NO.: M2112 ORIG DWG DATE: DEC 13, 2021 DRAWN BY: RRM CHECKED BY: RRM

REVISIONS:

NO. DATE

MOUNTAIN ARCHITECTURE PLLC

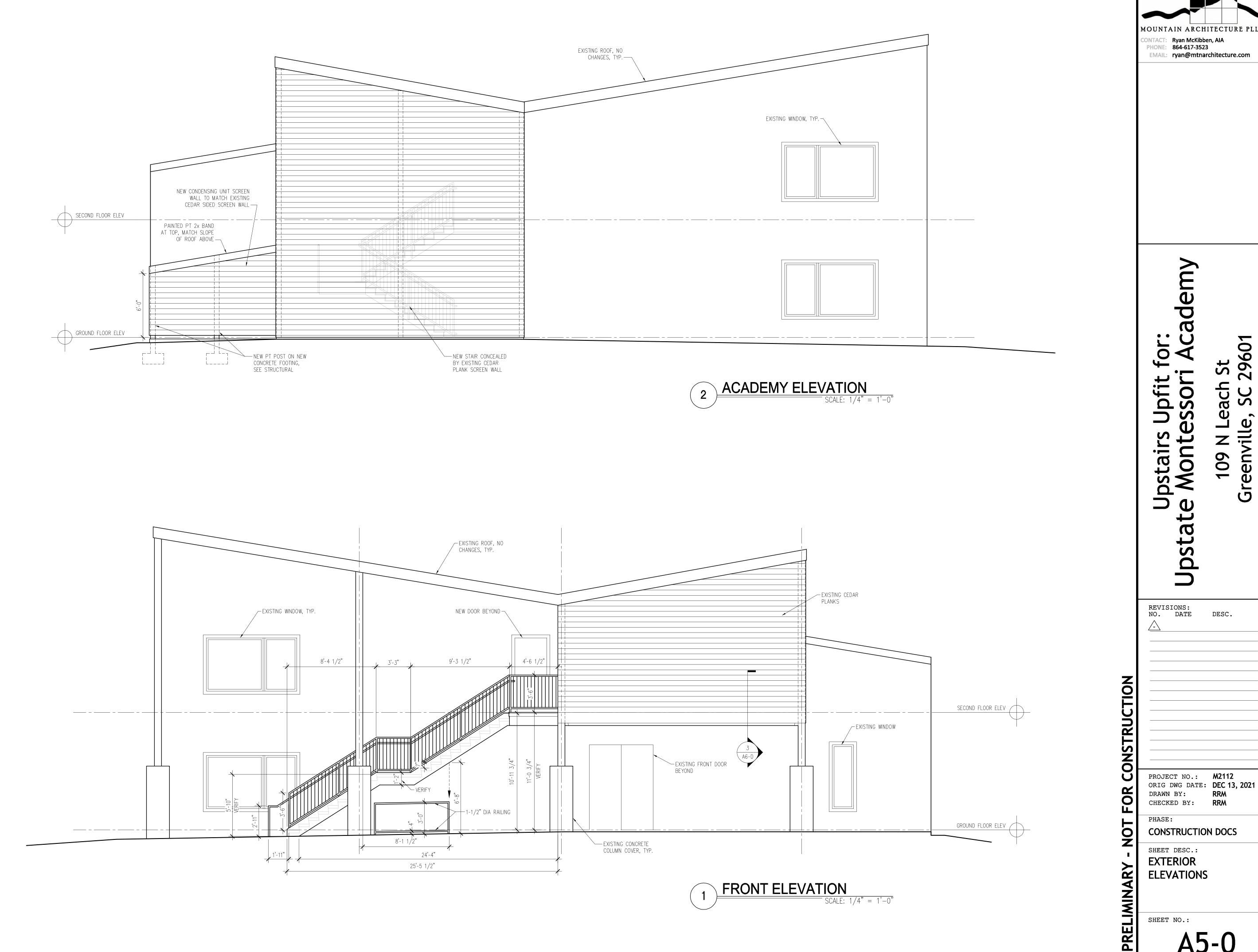
EMAIL: ryan@mtnarchitecture.com

CONTACT: Rvan McKibben, AIA PHONE: 864-617-3523

**CONSTRUCTION DOCS** 

SHEET DESC.: UPPER FLOOR PLAN, DOOR SCHEDULE, **RESTROOM FIXTURE SCHEDULE** 

SHEET NO.:



SHEET NO.:

